

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

RANDOLPH THOMAS,

Plaintiff,

vs.

PROJECT CURE, INC.,

Defendant.

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Case No. 3:08cv273

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE (DOC. #12), AND
OVERRULING DEFENDANT'S OBJECTIONS IN PART TO SAID JUDICIAL
FILING (DOC. #14); DECISION AND ENTRY ADOPTING UNOBJECTED TO
ORDER OF UNITED STATES MAGISTRATE JUDGE (DOC. #13);
REMAINING CLAIMS SET FORTH

Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge, in her Report and Recommendations filed April 24, 2009 (Doc. #12), as well as upon a thorough *de novo* review of this Court's file and the applicable law, said Report and Recommendations are adopted in their entirety. The Defendant's Objections in part to said judicial filing (Doc. #14), directed only to that portion of the Magistrate Judge's Report and Recommendations which recommended overruling the Defendant's Motion to Dismiss, as to Plaintiff's claim for intentional infliction of emotional distress, are overruled. Moreover, this Court

adopts the Magistrate Judge's unobjected to Order of April 24, 2009 (Doc. #13).

As the result of the foregoing, the following claims remain to be litigated in this matter: the Plaintiff's claim under the American's With Disabilities Act and his claim of intentional infliction of emotional distress.

June 15, 2009

/s/ Walter Herbert Rice

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

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